

joint session had arrived. The Senate adjourned to the House.

After Joint Session.

The Senate returned to the Senate Chamber at 3:55 o'clock.

S. B. No. 1.

The question recurred upon the amendment (by Senator Wirtz) to S. B. No. 1.

Adjournment.

Senator Patton moved to adjourn until tomorrow morning at 10:00 o'clock.

Senator Woodul moved, as a substitute, to adjourn until 9:00 o'clock.

The motion to adjourn until 10:00 o'clock prevailed and at 5:15 o'clock p. m., the Senate adjourned.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Honorable Barry Miller, President Senate, Austin, Texas.

I favor sentiment expressed in House Concurrent Resolution No. 5 and will endeavor to expedite its passage.

WRIGHT PATMAN, M. C.

(Telegram.)

Hon. Barry Miller, Lieutenant Governor, Austin, Texas.

We, the citizens of Lovelady earnestly request that you call attention of the Legislature to the many false and malicious statements regarding the general health conditions of East Texas made recently by some of the outstanding proponents of the proposed prison relocation bill. We respectfully request that the Legislature express its disapproval of such tactics being used to further political or personal ambition of any man or set of men. Such statements regarding the general health conditions of this section of Texas as have been made before the Legislature are wholly untrue and without a semblance of the facts.

K. D. LAWRENCE,
LEE F. PERRY,
H. C. RICH,
V. H. PORTER,
J. R. MAINER.

ELEVENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, February 4, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Hardin.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Pollard:

S. B. No. 31, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College of Texas; the Texas Agricultural Experiment Stations System, the Extension Service of the Agricultural and Mechanical College of Texas; the Texas Department of Forestry; the North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; the University of Texas, in-

cluding the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; the College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos; Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; for years beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Love:

S. B. No. 32, A bill to be entitled "An Act providing that in the trial of criminal cases the admissibility of evidence shall not be affected by the illegality of the means through which it was obtained, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Wirtz:

S. B. No. 33, A bill to be entitled "An Act amending subdivision 22 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, providing for changing and prescribing terms and times of holding courts in the Twenty-second Judicial District of Texas, validating and continuing all process, all writs, bonds and recognizances, and making them returnable to the terms of Court in the several counties in said district as herein fixed, to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act, to repeal all laws in conflict herewith, and providing time for this Act to take effect, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

Senator Excused.

On motion of Senator Gainer, Senator Hardin was excused for the day on account of serious illness in his family.

Senate Bill No. 16.

Senator Love requested unanimous consent to take up S. B. No. 16. Senator Holbrook objected.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives, Austin, Texas, February 4, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 8, Requesting the Comptroller and Treasurer of the State to furnish a financial statement as of January 15, 1930.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. B. No. 1.

The question recurred upon the pending amendment to S. B. No. 1.

Resolution Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 14.

Executive Session Set.

On motion of Senator Williamson, the Senate voted to go into executive session Wednesday morning at 11:45 o'clock.

H. C. R. No. 8.

The Chair laid before the Senate H. C. R. No. 8, requesting a financial statement from the State Comptroller and State Treasurer as of January 15, 1930.

Read and, on motion of Senators Patton and Stevenson, referred to Committee on Finance.

Recess.

On motion of Senator Witt, the Senate, at 11:55 o'clock a. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p.

m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Simple Resolution No. 18.

Senator McFarlane received unanimous consent to send up the following resolution:

Whereas, Mrs. W. R. Potter of Bowie, Texas, Past President of the Texas State Federation of Women's Clubs and now a national director of the Federated Women's Clubs for Texas, is now within the bar of the Senate,

Therefore, Be It Resolved by the Senate of Texas That she be invited to address the Senate.

McFARLANE,
MILLER

Read and adopted.

The Chair appointed Senators Neal, McFarlane and Miller to escort Mrs. Potter to the platform.

Mrs. Potter Speaks.

The Chair introduced Senator Neal who introduced Mrs. Potter. Mrs. Potter briefly addressed the Senate.

Special Committee Report.

Senator Woodward sent up the following Special Committee report:

In the Senate and House of Representatives, Fourth Called Session of the Forty-first Legislature:

Report of Joint Legislative Committee, In Re: Texas-Oklahoma Boundary.

To His Excellency, Governor Dan Moody; Hon. Barry Miller, Lieutenant Governor; Hon. W. S. Barron, Speaker of the House of Representatives, and to the Senate and House of Representatives of the State of Texas:

We, your committees heretofore appointed by the Senate and the House of Representatives respectively, to confer with officials of the State of Oklahoma in reference to the matters and things arising out of litigation pending in the Supreme Court of the United States as relates to the true location of the 100th meridian, the issues involved being what is known as the Texas-Oklahoma Boundary Dispute, beg leave to report as follows:

1. That after the appointment of the committees, one upon part of the Senate and one upon part of the House, said committees duly organized and met with like committees appointed by the Senate and the House of Representatives of the State of Oklahoma, one of which meetings was held at the capitol building in the State of Oklahoma at Oklahoma City, the other at the capitol building of the State of Texas in the city of Austin, the final meeting being on August 26, 1929, in the city of Austin.

2. That at the meeting in Oklahoma City tentative suggestions with reference to a proper agreement or compact between the states in reference to an amicable settlement of the issues were fully discussed but no final agreements were made or entered into and in response to what appeared to be necessary under the circumstances it was agreed to adjourn the meeting to reassemble at Austin, Texas, on August 26, 1929, and same was accordingly done, whereupon at this meeting the committee from Oklahoma submitted to your committees a form of compact embodying the views of the State of Oklahoma as entertained by the Oklahoma Committee, a copy of which agreement or compact we herewith attach, marking the same Exhibit A, making the same a part of this report.

3. The Oklahoma Committee was of the opinion and urged that first consideration should be given to the question of bona fide vested property rights, insisting that the proper spirit governing in such controversies between sovereign states was to ascertain and in a proper and legal manner recognize and confirm vested rights to the fullest extent without at the same time doing violence to established principles of law and procedure.

4. The Oklahoma Committee insisted that in view of previous disagreements between the reports of the Commissioners previously made in respect to the true location of the 100th meridian and previous uncertainty as to the actual and true location thereof, the matter might, with great propriety proceed in accordance with the recognized line upon which property and other per-

sonal rights have been established and seemingly acquiesced in by the inhabitants upon and adjacent to the territory in dispute and following up their argument, submitted the agreement or compact hereto attached and referred to as Exhibit A.

5. Said Oklahoma Committee further proposed that pending action upon the compact by the Legislature of Texas the Supreme Court of the United States be requested by the respective parties, to-wit: the State of Oklahoma and the State of Texas, to withhold final judgment in respect to the report of the Special Commissioner, Mr. Gannett, wherein the said Gannett fixes the true boundary line between Oklahoma and Texas and locates the 100th meridian, which report, if approved by the Supreme Court of the United States, will result in Texas gaining and being awarded approximately 28,000 acres of land along the Eastern boundary line of the Texas Panhandle, said strip of land being approximately 4000 feet East and West along the Southern line and approximately 400 feet East and West along the Northern boundary line.

6. Your committee further reports that upon the compact submitted by the Oklahoma Committee, which compact we have hereto attached and marked as an exhibit, the following action was taken by the Texas Committee, to-wit: that the Texas Committee would report to the Legislature of Texas and submit to the Legislature of Texas for action the compact as presented and submitted to the Texas Committee; that our report would be without recommendation; that each individual member of the committee reserve the right to take such position as he thought proper in respect to the compact, the compact, however, which we were to report to the Legislature and submit without recommendation, eliminates from the compact the following words, to-wit: "and adoption with the recommendation that the same be done." In other words, your committee does not recommend either the adoption or rejection of the compact submitted by the Oklahoma Committee; therefore, leaving the agreement to submit the compact to the respective Legislatures in the following language, to-wit:

"It is further agreed and understood that the two Legislative Committees, one representing the State of Texas and the other the State of Oklahoma, will submit this compact to the respective Legislatures for consideration."

7. In view of the fact that this is an extraordinary session and only matters submitted by the Governor may be officially considered by the Legislature, we have taken the liberty to hand a copy hereof to the Governor with the request that he immediately transmit to the Legislature a message which will authorize action to be taken upon this report in such way and in such manner as to the Legislature may be deemed advisable.

8. While the committee makes no recommendation with reference to the acceptance or rejection of the proposed compact, yet your committee does recommend that in event the Legislature rejects the compact and in event the litigated territory is declared to be part of the public domain of State of Texas, that the bona fide claimants of said land who hold titles emanating from sovereignty, be granted the preference right to purchase said land for a nominal consideration; provided they properly assume and agree to pay outstanding obligations created for purchase money or borrowed money, save and except purchase money due the sovereignty from which the claim or title emanates, and that appropriate legislation be passed to effect this purpose.

We therefore respectfully submit the foregoing report with the suggestion that full details of the boundary question will probably be fully discussed upon a consideration of the compact as submitted by the Oklahoma Committee.

Respectfully submitted,

On part of the Senate.

WOODWARD,
SMALL,
WILLIAMSON,
WOODUL,
POLLARD,

On part of the House.

WARWICK,
STOREY,
LAND,
MANKIN,

WALLACE,
JOHNSON,
YOUNG,

(Exhibit A.)

Know Ye, All Nations, Sovereignities and Peoples, that the State of Texas as one high contracting party and the State of Oklahoma as the other high contracting party, have made and entered into and do now hereby make and enter into the following compact, agreement and permanent understanding:

Whereas by ancient treaty the 100th meridian was established as the boundary line between the United States and Spain and which now constitutes the Eastern boundary line of the panhandle of Texas and the Western boundary line of the State of Oklahoma from its intersection with the South bank of the South Fork of Red River to its intersection with the parallel of 36 degrees, 30 minutes North latitude, and,

Whereas There has long existed a dispute as to the true location of said 100th meridian and the Eastern boundary line of the panhandle of Texas and the Western boundary line of the State of Oklahoma, and,

Whereas Five different surveys have been made in an effort to locate the true 100th meridian, no two of which surveys agree upon the true location of the 100th meridian, and

Whereas Said boundary line is now in question between the two states and is being litigated in the Supreme Court of the United States, and

Whereas, The said line has not yet been judicially determined, and,

Whereas The Congress of the United States of America has by Senate Joint Resolution No. 196, Second Session of the Seventieth Congress, authorized and empowered the two high contracting parties herein to enter into a compact ascertaining, locating and agreeing upon the true boundary line between the said two states, and

Whereas The two states have long recognized and accepted as correct the line as ascertained, laid down, fixed and marked upon the ground by John H. Clark, United States Commissioner, acting under the Act

of June 5, 1898, Chapter 92 (11 Statute at Large 310) and

Whereas, Property rights and rights of citizenship have been established and recognized in view of said established line.

Now Therefore It is hereby stipulated and agreed that for all purposes the said line so recognized by the two states as being, is in fact the true 100th meridian and the true, certain and real boundary line between the states, and that it is and shall be and remain forever the dividing line between the State of Texas and the State of Oklahoma at the points aforesaid, each state retaining its sovereign rights over the territory heretofore possessed and controlled by it, and each state hereby conceding to the other, that said line has been, is now and shall be and remain forever the boundary line between the said states for all purposes.

It is further agreed that the State of Oklahoma shall pay to the State of Texas, coincident with the effectiveness hereof, the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars, the same to be in full settlement for all costs, expenses, attorneys' fees and other claims growing out of or incident to said litigation.

The high contracting parties further agree that as to any and all lands included within their respective boundaries as hereby and herein defined, each shall and will hold the other free from expense incident to any and all litigation involving the titles thereto, irrespective of the source or cause of such litigation, either upon claims based upon former pretended rights of sovereignty or proprietorship by the other state, or other cause, and neither state undertakes to warrant or in any manner vouch for, assure or defend any such titles as against any former Act of itself or otherwise, the sole purpose of this compact being to locate and agree upon the true, certain and original boundary line between the states as is herein done.

It is further agreed that neither state will do or fail to do any act, the doing of which or if the failure to do any such act will in any manner adversely affect any title or titles involved in said area or areas, or interfere with the sovereign rights ex-

isting and continuing in the state within whose boundaries any such land may be.

It is further stipulated and agreed that this compact when adopted by the two states and ratified by the Congress, shall become effective and binding and that the State of Oklahoma will, upon the ratification thereof by Congress, pay to the State of Texas, the sum aforesaid, thereby settling all claims for costs, expenses, etc., incident to said litigation, and, by this compact, the said states shall be held to confirm forever the said boundary line between the two states.

It is further agreed and understood that the two Legislative Committees, one representing the State of Texas and the other the State of Oklahoma, will submit this compact to the respective Legislatures of said states for consideration and adoption with the recommendation that the same be done.

In testimony whereof the said Legislative Committees have hereunto subscribed their names at Austin, Texas, this the 26th day of August, 1929.

Oklahoma Joint Legislative
Committee

By _____
Chairman.

Attest:

Secretary.
Texas Joint Legislative
Committee

By _____
Chairman.

Attest:

Secretary.
The report was read.

On motion of Senator Woodward the report was laid on the table subject to call.

Simple Resolution No. 19a.

Senator Woodward received unanimous consent to send up the following resolution:

Whereas, there is now pending for action upon part of the Senate the compact or agreement submitted upon part of the State of Oklahoma by and through the legislative committee acting in behalf of said State, said compact or agreement having reference to a settlement between the State of Texas and the State of

Oklahoma in respect to what is known as Texas-Oklahoma Boundary Dispute, involving approximately 28,000 acres of land, which, under the report of Mr. Gannett, Special Commissioner appointed by the Supreme Court of the United States, will within a short time become a part of the public domain of the State of Texas, and,

Whereas, said compact and agreement is fully set forth in the report of the joint committee of the Senate and of the House of Representatives of the State of Texas which report submits to the Legislature of Texas said compact or agreement for determination in such manner as may be determined by the Legislature of Texas; and,

Whereas, it is sense of the Senate of the State of Texas the compact or agreement submitted by State of Oklahoma be rejected; therefore, be it

Resolved, by the Senate of Texas, That said compact or agreement be and same is hereby in all things rejected; and be it further

Resolved, That it is the sense of the Senate of Texas that the acreage involved in the controverted strip should become a part of the public domain of Texas and should not for any consideration be transferred, surrendered or abandoned to the State of Oklahoma; be it further

Resolved, on the part of the Senate of Texas, That in the event the territory involved in the boundary dispute is declared to be a part of the public domain of the State of Texas, That the bona fide claimants of said land who hold titles emanating from sovereignty be granted the preference right to purchase said land upon the payment of a nominal consideration, provided, however, they properly assume and agree to pay outstanding obligations created for purchase money or money borrowed, save and except, however, purchase money due the sovereignty from which the claim of title emanates, taxes levied by the State of Oklahoma, bonds voted or issued or other obligations imposed by legislative enactment by the Legislature of the State of Oklahoma.

WOODWARD.

The resolution was read.

On motion of Senator Woodward, the resolution was laid on the table subject to call.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives, Austin, Texas, February 4, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 7, Authorizing the Highway Department to send a representative to attend the meeting in New Orleans relative to adjusting confusion arising over licensing along the Texas-Louisiana boundary.

H. C. R. No. 15, Requesting the Governor of Texas to appoint all members to the Board of Pardons and Paroles recently created.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 1.

The question recurred upon the amendment to S. B. No. 1.

Senator Cousins moved to lay the bill on the table subject to call until the House passed on the question.

Senator Witt raised the point of order that the motion was out of order because no definite time was set. The Chair sustained the point of order.

Senator Cousins amended his motion to read "Thursday morning at 10 o'clock."

Senator Holbrook moved the previous question on the motion and the amendment. The previous question was seconded.

Senator DeBerry called for a division of the question.

The previous question on Senator's Cousins' motion was ordered by the following vote:

Yeas—17.

Beck.	Neal.
DeBerry.	Parrish.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
Moore.	

Nays—13.

Berkeley.	Cousins.
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Cunningham.	Pollard.
Martin.	Russek.
McFarlane.	Small.
Miller.	Williamson.
Parr.	Wirtz.
Patton.	

Absent—Excused.

Hardin.

The motion to lay the bill on the table subject to call until Thursday was lost by the following vote:

Yeas—13.

Berkeley.	Patton.
Cousins.	Russek.
Cunningham.	Small.
Martin.	Thomason.
McFarlane.	Westbrook.
Miller.	Wirtz.
Parr.	

Nays—17.

Beck.	Neal.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
Moore.	

Absent—Excused.

Hardin.

The previous question on the amendment was lost by the following vote:

Yeas—2.

Holbrook.	Hornsby.
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Nays—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Hardin.

The question recurred on the amendment.

Senator Love moved the previous question on the amendment.

Senator Wirtz raised the point of order that no business had been transacted since the vote on this question was taken.

The Chair, Senator Berkeley, sustained the point of order.

H. C. R. No. 15.

The Chair laid before the Senate H. C. R. No. 15, Relating to the appointment of members of Board of Pardons and Paroles by the Governor.

Read and referred to the Committee on Penitentiaries.

Adjournment.

On motion of Senator Parrish, the Senate, at 5 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(TELEGRAM.)

Mt. Pleasant, Texas,
February 3, 1930.

Lieutenant Governor Barry Miller,
Senate, Austin, Texas.

Executive board Texas Federation Women's Clubs in session Dallas passed resolution deploring present situation regarding rural schools caused by recent court injunction, and earnestly requests Governor and Legislature to do all in their power to give needed funds country schools and State Rural Aid Department.

MRS. R. F. LINDSAY,
President Texas Federation Women's Clubs.

(TELEGRAM.)

Dallas, Texas, February 3, 1930.
The Honorable Thomas B. Love,
State, Senator, State Capitol, Austin,
Texas.

Dallas Civitan Club urges support of prison reformation advocated by Governor Moody with centralization of system near Austin and industrialization to save taxpayers money. Present system disgrace to State and must be reformed to serve purpose and rehabilitate inmates for society. Your support urgently needed.

W. C. HIXSON, President.

(TELEGRAM.)

Trinity, Texas, Feb. 3, 1930.
Hon. Barry Miller, Lieut.-Gov.,
Austin, Texas.

The citizens of Trinity County and all East Texas respectfully petition your good offices in helping to combat a grave and unnecessary wrong being perpetrated upon this great section of our State by certain individuals in their grossly untrue statements regarding the health conditions of East Texas. It has recently come to our attention that certain individuals have referred to this section of Texas as a malarial mosquito infested region where health is almost unknown. We therefore respectfully petition the Senate and House of Representatives that this untrue, uncalled for malicious falsehood be called to the attention of the Legislature and help us correct a grave wrong already done. Signed,
J. Y. Renfro, J. H. McLaughlin, C. T. Hill, P. A. Bell, J. T. Renfro, P. P. Murdock, J. G. Williams, A. A. Arnold, J. E. Taylor, S. S. Manry, Earnest Cochran, A. H. Young, B. Richards, Geo. O. Woods, W. E. Casey, R. F. Herndon, F. P. Parker, J. B. Clegg, Mrs. J. B. Clegg, Luther W. Bell, G. F. Landsberry, W. J. Douglass, Jno. F. Standley.

(TELEGRAM.)

February 3, 1930.
President of the Senate,
Austin, Texas.

In view of the reports made by Prison Board financially and in view of recent statements made and published in Houston Post-Dispatch, will you consider a yearly rent or lease value at One Hundred Thousand Dollars per annum for the labor and property to be secured by a good and solvent bond and approved by the proper authority, we assuming all the current upkeep and medical attention. Clear cut profits to the State of One Hundred Thousand Dollars. If you consider kindly let me know and we will get together and iron out the particulars.

(Signed) N. E. BRYAN.

Read and referred to Committee on Penitentiaries.

(TELEGRAM.)

Groveton, Texas, Feb. 4, 1930.
Hon. Barry Miller, Lieut.-Gov.,
Austin, Texas.

As citizens of East Texas we re-

sent the false charges made for any purpose that our section is unhealthy and our lands unproductive, knowing that the facts repudiate the charge. Yet some in high office continue to malign our favored section in order to effect their will to remove the penitentiary. Let the proponents of centralization confine themselves to the truth and all Texas will be satisfied. We urge you to combat such false charges by whomsoever made.

W. T. THAGARD,

President Groveton Chamber of Commerce.

Senator Stevenson moved to refer the telegram to the Committee on State Affairs.

Senator Pollard moved to table the motion. The motion to table prevailed by the following vote:

Yeas—19.

Berkeley.	Parrish.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Hornsby.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Woodward.
Neal.	

Nays—8.

Beck.	Moore.
Gainer.	Parr.
Holbrook.	Witt.
Hyer.	Woodul.

Absent.

Greer.	Westbrook.
Patton.	

Absent—Excused.

Hardin.

Senator Stevenson spread on the Journal a motion to reconsider.

Bells, Texas, January 30, 1930.
To Senator Ed Westbrook:

Permit me to give a few lines in regard to the penitentiary problem now engrossing consideration in the Legislature.

First, I want to say that the report of a deficit of One Million Dollars from the entire system the past year is inexcusable and challenges investigation and some certain remedy even if it takes strong medicine.

Second (if the common farmer in Fort Bend County and the other counties where the prison farms are located can pay his taxes, send his children to school and in most cases pay rent and have a living left, why can't the penitentiary farms sustain themselves with no taxes to pay—no children to school—no rent to pay and the convicts doing the work for their victuals and clothes? Echo answers poor management. The selling of all these farms for a song and buying other property at a high price will only make bad matters worse to the tune of about Ten Million Dollars. There must be efficient and economical management for the prison system to be self sustaining. When Jim Hogg was Governor this deficit in maintenance did not exist, and one year in his administration a large surplus was turned into the State Treasury from the prison farms and that when cotton brought but 8 cents per pound. Later they decided a financial agent should be appointed for the prison system. That was done and matters got worse, then they next decided to have a purchasing agent to buy all the supplies for the different units of the prison system. That was done and matters got still worse than they were before—more prisoners—more room for graft.

The trouble is that men are appointed to manage the farms, and to otherwise control from political expediency and on account of recommendations they have—many of them complete business failures before getting their places, many of recommendations coming from creditors who are trying to help themselves, and many more coming from personal friends and political friends who want to help the poor fellows along.

Few and very few recommendations for the good of the penitentiary system. So we reap the harvest we have today. Every penitentiary farm in the hold—aggregating \$1,400,000.00.

I think it the duty of the Governor and the prison board to hunt honest and efficient men, who can make good, to take charge of the prison system, if they have to take a lantern to find them, hunt the right men who can make good—they are here. Don't wait for applications. If they hesitate about accepting, tell them that the State needs their serv-

ices, and it is their public duty to the State.

So long as the present system of filling places is followed, that long will the whole thing be a huge failure. Put no one in charge of any department who has not been a success at his own business and worked his way up from the ground.

It is idle to fool away time and money as has been done visiting prisons in Alabama, New York and other states where the prisons are self-sustaining to find out what is the matter.

The trouble is here—and no new location near Austin or in Landa's park at New Braunfels, will remedy the matter. It requires men who make good to take charge from bottom to top and nothing else.

So long as the principal prison property is farm lands, the penitentiary board should be composed for the greater part of eminent and successful farmers who understand the business that the State is engaged in, instead the board as constituted at present.

Respectfully,

(Signed) TOM WELLS.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, February 4, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 7 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:30 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, January 28, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 9, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than 11,000, nor more than 11,015, according to the 1920 United States census, and having a property valuation of not less than \$8,252,800, and not more than \$8,252,900, as shown by the approved tax rolls for

the year 1929, and prescribing how same shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, February 4, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 11, A bill to be entitled "An Act amending Article 1052, Title 15, Chapter 3 of the Code of Criminal Procedure of Texas of 1925 as amended by Chapter 55, General and Special Laws, First Called Session, Forty-first Legislature, so as to increase the amount of the fee of each justice of the peace for each criminal action tried and finally disposed of before him; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, February 4, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 12, A bill to be entitled "An Act amending Article 3936 of the Revised Civil Statutes of 1925 so as to fix certain fees of constables; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, January 30, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 17, A bill to be entitled "An Act to amend Chapter 83, Senate Bill No. 179, of the General Laws passed by the Forty-first Legislature at its Second Called Session, by adding at the end of Section 5, of said bill, the following: 'provided, how-

ever, that the terms of this bill shall not be applied to, or affect, any student who commenced his studies leading to a degree, in any of the State institutions with the required credits prior to the time this bill was enacted into a law, or to any student, who on or before September 1, 1929, had credits for at least half the work required for a bachelor's degree; and declaring an emergency.' "

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 4, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 21, A bill to be entitled "An Act requiring certain independent school districts to contribute to the expense of the county superintendent's office; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 4, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 25, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of 1925 as amended so as to fix and regulate the compensation of county auditors; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 4, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 31, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational insti-

tutions and other expenses of maintaining and conducting them as follows, to-wit: the Agricultural and Mechanical College of Texas; the Texas Agricultural Experiment Stations System, the Extension Service of the Agricultural and Mechanical College of Texas, the Texas Department of Forestry; the North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; the University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; the College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos; Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; for years beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, February 4, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 14, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land located in Montgomery County, Texas, forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof but for which applications and the first payment were

so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, February 4, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 29, A bill to be entitled "An Act providing for the sale of all oil and/or gas in State prison lands by lease; creating a Board of Lease of State Prison Lands and prescribing the duties and powers of said board; prescribing the mode and manner of selling oil and gas in State prison lands and the disposition to be made of the proceeds of such sales; making an appropriation to defray the expense of enforcing the Act; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, February 4, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 13, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the latest approved tax rolls of the county; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Westbrook. S. B. No. 13.

A BILL
To Be Entitled
An Act fixing the salary of the

county commissioners of certain counties according to the latest approved tax rolls of the county; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section. 1. In any county having taxable valuations of not less than nineteen million dollars, and not more than twenty million dollars; according to the latest approved tax rolls on file in the office of the State Comptroller, and also in counties having a taxable valuation of not less than seventeen million dollars and not more than eighteen million dollars according to said approved tax rolls, the annual compensation of each county commissioner shall be twenty four hundred (\$2400.00) dollars.

Sec. 2. The fact that in the classes of counties affected by this Act the compensation now provided by law for county commissioners is inadequate, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
February 5, 1930.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.